

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:09CR3086
)	
v.)	
)	MEMORANDUM AND ORDER
PEORIA DASHANE BRYE,)	
)	
Defendant.)	

The defendant has moved to continue her plea hearing, currently set for January 29, 2010, because the defendant is hopeful Congress will pass legislation to eliminate the disparity between cocaine base and cocaine powder sentences set forth in the sentencing guidelines. (Filing No. [38](#)). The government opposes a continuance based on the argument advanced by the defendant. The court is not inclined to delay a change of plea hearing because Congress may eventually enact new laws, particularly where any such legal changes will likely address sentencing and not the underlying finding of guilt.

However, counsel for the government will be in trial and cannot attend a plea hearing on January 29, 2010, and she also believes additional time is needed to finalize the parties' plea negotiations. Accordingly,

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. [38](#)), is granted in part, and defendant's plea hearing will be held before the undersigned magistrate judge on the 17th day of February, 2010, at 1:30 p.m., in Courtroom No. 2, United States Courthouse and Federal Building, 100 Centennial Mall, North, Lincoln, Nebraska. The defendant is ordered to appear at this hearing.
- 2) The Court finds the ends of justice served by continuing defendant's plea hearing outweigh the best interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and February 17, 2010 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7).

January 23, 2010.

BY THE COURT:
s/ Cheryl R. Zwart
Cheryl R. Zwart
United States Magistrate Judge